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TAGS: [PREL](#) [PGOV](#) [MARR](#) [PHUM](#) [FJ](#)
SUBJECT: FIJI: PROOF OF IG MEDDLING IN THE JUDICIARY

REF: SUVA 473

Classified By: Amb. Dinger. Sec. 1.4 (B,D).

Court documents show high-level attempt to steer cases

¶1. (C) Clear proof has surfaced of the interim government (IG) attempting to meddle in the Fiji judiciary. The murder case against the Commander of the Fiji Navy, CDR Francis Keane, is nearing trial before Justice Gerrard Winter. Keane is Commodore Bainimarama's brother-in-law and he is accused of beating a man to death at the wedding reception for Bainimarama's daughter last New Year's eve. Keane's attorney filed a challenge seeking forced recusal of Judge Winter from the case since, allegedly, Winter has shown bias against the IG. The legal challenge is public record, and attached to it are two "confidential" documents. One dated Sept. 10 is from interim Police Commissioner Teleni (formerly the Deputy Commander of the Fiji military) to the Permanent Secretary for Justice (also a former Fiji military senior officer) proposing that no cases concerning the legality of the IG should go before Justices Winter or Jitoko since, in the police view, those two judges have exhibited bias against the IG in past rulings from the bench. The second document dated Sept. 11 is the Justice PermSec's response telling Teleni that the police request has been forwarded to acting Chief Justice Gates for action.

Hypocrisy run rampant

¶2. (C) Judge Winter, who holds New Zealand, Australian, and British citizenship, is due to end his term with the Fiji judiciary at the end of October. Judge Jitoko is an ethnic-Fijian. Both have issued rulings in recent months casting doubt on the legality of the coup, though neither has presided over a case directly addressing that issue. Judge Winter's car was tampered with recently, with two lug nuts removed from a wheel and steering fluid drained from its reservoir. The recusal issue is to come before Judge Winter for hearing late this week. Presumably the judge will not be amused.

¶3. (C) The hypocrisy of Teleni's request to the judiciary is remarkable but not surprising. Many observers are now aware that Acting CJ Gates and his close friend Justice Shameem colluded with the military prior to the coup and have continued to intrigue with the IG since then. Yet Gates has assigned himself to sit with two retired judges on the case that deposed PM Qarase filed against the IG challenging the legality of the coup. That case is to reach trial later this week.
DINGER